IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1860 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SUO MOTU FOR KHANSINGHBHAI MAKANBHAI CHAUDHARI

Versus

STATE OF GUJARAT

Appearance:

SUO MOTU for Petitioner

MR RC KODEKAR for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/04/2001

ORAL JUDGEMENT

#. The learned counsel for the respondents, on instructions, submits that on 21st March, 2001, the petitioner has been paid the balance amount of his G.P.F.

#. In view of this statement made by learned counsel for

the respondents, the grievance made by this retired person does not survive. However, it is a case where there is considerable delay in making payment of amount of gratuity to the petitioner. For this delay, the respondents have not furnished any explanation, meaning thereby, this delay is clearly attributable to the respondents and in view of the decision of the Apex court in the case of Vijay L. Mehrotra v. State of U.P., reported in 2000 AIR SCW 2678, the petitioner is entitled for interest for delayed payment of balance amount of gratuity at the rate of 18% p.a. The respondents are directed to calculate the amount of interest payable to this retired person on the balance amount of gratuity within a period of one month from the date of receipt of this order and to pay this amount to him within seven days next. The special civil application and Rule stand disposed of in terms aforesaid with no order as to costs.

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(sunil)